

## Article - Health - General

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§5–601.

- (a) In this subtitle the following words have the meanings indicated.
- (b) “Advance directive” means:
  - (1) A witnessed written or electronic document, voluntarily executed by the declarant in accordance with the requirements of this subtitle;
  - (2) A witnessed oral statement, made by the declarant in accordance with the provisions of this subtitle; or
  - (3) An electronic document, voluntarily executed by the declarant, in which the declarant’s identity is authenticated in accordance with the guidelines described in § 5–602(c)(3) of this subtitle.
- (c) “Agent” means an adult appointed by the declarant under an advance directive made in accordance with the provisions of this subtitle to make health care decisions for the declarant.
- (d) “Attending physician” means the physician who has primary responsibility for the treatment and care of the patient.
- (e) “Best interest” means that the benefits to the individual resulting from a treatment outweigh the burdens to the individual resulting from that treatment, taking into account:
  - (1) The effect of the treatment on the physical, emotional, and cognitive functions of the individual;
  - (2) The degree of physical pain or discomfort caused to the individual by the treatment, or the withholding or withdrawal of the treatment;
  - (3) The degree to which the individual’s medical condition, the treatment, or the withholding or withdrawal of treatment result in a severe and continuing impairment of the dignity of the individual by subjecting the individual to a condition of extreme humiliation and dependency;
  - (4) The effect of the treatment on the life expectancy of the individual;

(5) The prognosis of the individual for recovery, with and without the treatment;

(6) The risks, side effects, and benefits of the treatment or the withholding or withdrawal of the treatment; and

(7) The religious beliefs and basic values of the individual receiving treatment, to the extent these may assist the decision maker in determining best interest.

(f) “Competent individual” means a person who is at least 18 years of age or who under § 20–102(a) of this article has the same capacity as an adult to consent to medical treatment and who has not been determined to be incapable of making an informed decision.

(g) “Declarant” means a competent individual who makes an advance directive while capable of making and communicating an informed decision.

(h) “Electronic signature” has the meaning stated in § 21–101 of the Commercial Law Article.

(i) “Emergency medical services ‘do not resuscitate order’” means a physician’s, physician assistant’s, or nurse practitioner’s written order in a form established by protocol issued by the Maryland Institute for Emergency Medical Services in conjunction with the State Board of Physicians which, in the event of a cardiac or respiratory arrest of a particular patient, authorizes certified or licensed emergency medical services personnel to withhold or withdraw cardiopulmonary resuscitation including cardiac compression, endotracheal intubation, other advanced airway management techniques, artificial ventilation, defibrillation, and other related life–sustaining procedures.

(j) “End–stage condition” means an advanced, progressive, irreversible condition caused by injury, disease, or illness:

(1) That has caused severe and permanent deterioration indicated by incompetency and complete physical dependency; and

(2) For which, to a reasonable degree of medical certainty, treatment of the irreversible condition would be medically ineffective.

(k) “Health care practitioner” means:

(1) An individual licensed or certified under the Health Occupations Article or § 13–516 of the Education Article to provide health care; or

(2) The administrator of a hospital or a person designated by the administrator in accordance with hospital policy.

(l) (1) “Health care provider” means a health care practitioner or a facility that provides health care to individuals.

(2) “Health care provider” includes agents or employees of a health care practitioner or a facility that provides health care to individuals.

(m) (1) “Incapable of making an informed decision” means the inability of an adult patient to make an informed decision about the provision, withholding, or withdrawal of a specific medical treatment or course of treatment because the patient is unable to understand the nature, extent, or probable consequences of the proposed treatment or course of treatment, is unable to make a rational evaluation of the burdens, risks, and benefits of the treatment or course of treatment, or is unable to communicate a decision.

(2) For the purposes of this subtitle, a competent individual who is able to communicate by means other than speech may not be considered incapable of making an informed decision.

(n) (1) “Life–sustaining procedure” means any medical procedure, treatment, or intervention that:

(i) Utilizes mechanical or other artificial means to sustain, restore, or supplant a spontaneous vital function; and

(ii) Is of such a nature as to afford a patient no reasonable expectation of recovery from a terminal condition, persistent vegetative state, or end–stage condition.

(2) “Life–sustaining procedure” includes artificially administered hydration and nutrition, and cardiopulmonary resuscitation.

(o) “Medically ineffective treatment” means that, to a reasonable degree of medical certainty, a medical procedure will not:

(1) Prevent or reduce the deterioration of the health of an individual;  
or

(2) Prevent the impending death of an individual.

(p) “Nurse practitioner” means an individual licensed to practice registered nursing in the State and who is certified as a nurse practitioner by the State Board of Nursing under Title 8 of the Health Occupations Article.

(q) “Persistent vegetative state” means a condition caused by injury, disease, or illness:

(1) In which a patient has suffered a loss of consciousness, exhibiting no behavioral evidence of self-awareness or awareness of surroundings in a learned manner other than reflex activity of muscles and nerves for low level conditioned response; and

(2) From which, after the passage of a medically appropriate period of time, it can be determined, to a reasonable degree of medical certainty, that there can be no recovery.

(r) “Physician” means a person licensed to practice medicine in the State or in the jurisdiction where the treatment is to be rendered or withheld.

(s) “Physician assistant” means an individual who is licensed under Title 15 of the Health Occupations Article to practice medicine with physician supervision.

(t) “Signed” means bearing a manual or electronic signature.

(u) “Terminal condition” means an incurable condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, makes death imminent and from which, despite the application of life-sustaining procedures, there can be no recovery.

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